

REMARKS/ARGUMENTS

The Applicants have carefully considered this application in connection with the Office Action and respectfully request reconsideration of this Application in view of the foregoing amendment and the following remarks.

The Applicants originally submitted Claims 1-42 in the application. In a previous response, the Applicants amended Claims 1, 12-13, 19, 25, 31-34 and 37 and canceled Claims 10, 15-17, 24, 29, 30, 35-36, 41 and 42. Claims 1, 19, 25, 31 and 37 are amended herein, and Claim 9 is cancelled, without prejudice or disclaimer. Support for the claim amendments may be found, e.g., in ¶ [0077] and Claim 9 as filed. Accordingly, Claims 1-8, 11-14, 18-23, 25-28, 31-34, and 37-40 are currently pending in the application.

I. Rejection of Claims 1, 2, 6-11, 14-16, 19, 20, 22-26, 28-32, 34-38 and 40-42 under 35 U.S.C. § 103

The Office has rejected Claims 1, 2, 6-11, 14-16, 19, 20, 22-26, 28-32, 34-38 and 40-42 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,884,032 to Bateman, *et al.* (“Bateman”) in view of U.S. Patent No. 6,456,699 to Burg, *et al.* (“Burg”). The Applicants respectfully traverse the rejection. The rejection of Claim 9 is moot, as this claim is now cancelled. The Applicants also respectfully note that Claim 10, 15, 16, 24, 29, 30, 35, 36, 41 and 42 were cancelled in a previous response and are thus no longer under examination. The following comments therefore only address Claims 1, 2, 6-8, 11, 14, 19, 20, 22, 23, 25, 26, 28, 31, 32, 34, 37, 38 and 40.

Independent Claims 1, 19, 25, 31 and 37 include the limitation “receiving a second communication with the server, the second communication initiated by a telephone via a second communication channel of a second type different from the first type,” or similar language. The

Applicants respectfully assert that this element is not taught or fairly suggested by the combination as applied by the Office.

Therefore, Claims 1, 19, 25, 31 and 37 are allowable over the combination of Bateman and Burg as applied. The remaining claims, depending from allowable base claims, are therefore also allowable. Accordingly, the Applicants respectfully request that that the Examiner withdraw the rejection of Claims 1, 2, 6-8, 11, 14, 19, 20, 22, 23, 25, 26, 28, 31, 32, 34, 37, 38 and 40 under § 103(a) and allow issuance thereof.

II. Rejection of Claims 3, 4, 5, 12, 13, 18, 21 27, 33 and 39 under 35 U.S.C. § 103

The Examiner has rejected Claims 3, 4, 5, 12, 13, 18, 21, 27, 33 and 39 under 35 U.S.C. § 103(a) as being unpatentable over Bateman in view of Burg and further in view of U.S. Patent No. 6,279,125 to Klein. The Applicants respectfully traverse the rejection.

As set forth above, independent Claims 1, 19, 25, 31 and 37 are allowable. Claims 3, 4, 5, 12, 13, 18, 21 27, 33 and 39, depending from allowable base claims, are therefore also allowable. Accordingly, the Applicants respectfully request that that the Office withdraw the rejection of Claims 3, 4, 5, 12, 13, 18, 21, 27, 33 and 39 under § 103(a) and allow issuance thereof.

III. Conclusion

In view of the foregoing amendment and remarks, the Applicants now see all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicit a Notice of Allowance for Claims 1-8, 11-14, 18-23, 25-28, 31-34, and 37-40.

The Applicants request the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application. The Commissioner is hereby authorized to charge any fees, credits or overpayments to Deposit Account 08-2395.

Respectfully submitted,
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